

RESOLUTION

WHEREAS, James R. Schraf LV Trust/ Dolores M. Schraf LV Trust is the owner of a 9.80-acre parcel of land known as Liber 38661 at folio 298, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Light Industrial (I-1); and

WHEREAS, on January 22, 2020, Generation Properties, LLC filed an application for approval of a Preliminary Plan of Subdivision for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19017 for Brandywine Commercial Center, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 23, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended Approval of the application with conditions; and

WHEREAS, on April 23, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-004-2020, and APPROVED Preliminary Plan of Subdivision 4-19017, including a Variation from Section 24-121(a)(3), for 4 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plans shall be revised as follows:
 - a. Correct the gross floor area shown in General Note 21 to coincide with the development analyzed as part of this preliminary plan of subdivision approval.
 - b. Relocate the proposed access easement along the eastern boundary line so that it will be located outside of the future required Section 4.7 Bufferyard.
 - c. Show the area of Outlot A to be dedicated to public use and remove the Outlot labeling.
2. Prior to signature approval of the preliminary plan, the Type 1 Tree Conservation Plan (TCP1) shall be revised as follows:
 - a. Revise the legend to indicate that Woodland Retained – Not Credited is abbreviated on the plan as WR-NC.

- b. Use the standard general information table on the plan, which includes the Police District and General Plan Generalize Future Land Use (Plan 2035).
 - c. Apply the most current TCP1 approval block to the plan and add the TCP1 number in the correct format: TCP1-004-2020. Information concerning prior approvals (signatures, dates, Development Review Division (DRD) case numbers and reason for revisions) shall be shown in typeface, and information columns stating the DRD case numbers and reason for revision shall be completed, as applicable.
 - d. After required revisions to the preliminary plan have been completed, revise the TCP1 to be consistent with the proposed site features and lotting pattern of the preliminary plan.
 - e. Have the revised TCP1 plan signed and dated by the qualified professional who prepared it.
3. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to issuance of any permits.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 8708-2019-00 and any subsequent revisions.
5. At the time of final plat, the applicant shall dedicate .17 acres of public right-of-way located in the northeast portion of the property for the construction of the connection to I-503, a master plan roadway.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-004-2020. The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2020), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”
7. Total development within the subject property, shall be limited to uses that would generate no more than 178 AM and 188 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

8. Prior to approval of a building permit, a fee calculated as \$2.07 per square foot of gross floor area multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.
9. Prior to acceptance of any detailed site plan, the applicant shall provide an exhibit that illustrates the proposed location, limits, specifications, and details of the pedestrian and bikeway facilities, which are proposed to meet pedestrian and bicyclist adequacy on-site throughout the subdivision, consistent with Section 24-124.01(f) of the Subdivision Regulations.
10. Prior to the approval of a final plat:
 - a. In accordance with the approved preliminary plan of subdivision, the final plat shall include a note indicating the Prince George's County Planning Board approval of a variation from Section 24-121(a)(3) for the Subdivision Regulations, for one direct access to an arterial or higher classification roadway. The final plat shall reflect the denial of access along the remaining frontage of the property.
 - b. The final plat shall include the grant of a 10-foot-wide public utility easement along the public rights-of-way.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Access Easement Agreement or Covenant, for shared access to the four lots contained in the subdivision, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Development Review Division, for approval. The access easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat prior to recordation. The final plat shall reflect the location and extent of the access easement, in accordance with Section 24-128(b)(9) of the Subdivision Regulations and the approved preliminary plan of subdivision, and the denial of access all other frontage along US 301.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**– The subject site consists of one existing parcel totaling approximately 9.80 acres, recorded in the Prince George's County Land Records in Liber 38661 at folio 298. The site is

located along the northbound side of US 301 (Robert Crain Highway), approximately 900 south of Short Cut Road, and is within the Light Industrial (I-1) Zone.

The subject application is to subdivide the existing parcel into four lots for the development of 295,150 square feet of commercial and industrial development. The four new lots are situated with Lots 1 (2.95 acres) and 4 (1.92 acres) along the western boundary of the site, along US 301, and Lots 2 (1.49 acres) and 3 (3.28 acres) along the eastern boundary of the site. Lots 2 and 3 are configured so that a stem provides them access between Lots 1 and 4 to US 301. A 22-foot private access easement is to be shared by all of the lots from US 301.

Section 24-121(a)(3) of the Prince George's County Subdivision Regulations requires that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, the lots should be designed to front on either interior street or service road, and not access the higher classification roadways directly. All four lots are to be served with a private easement to allow consolidated direct access onto US 301, which is classified as a freeway. A variation to allow the access from US 301 is discussed further.

3. **Setting**—The site is located on Tax Map 155, Grid A-1 and is within Planning Area 85A. The subject site is bounded to the west by the right-of-way of US 301, to the north by industrial uses in the I-1 Zone, and to the east and south by the wooded land in the Residential Medium Development (R-M) Zone to be developed as part of a larger residential subdivision known as the Villages at Timothy Branch.
4. **Development Data Summary**—The following information relates to the subject PPS application and the development.

	EXISTING	APPROVED
Zone	I-1	I-1
Use(s)	Commercial	Commercial/Industrial
Acreage	9.80	9.80
Gross Floor Area	N/A	295,150 square feet
Dwelling Units	0	0
Parcels	1	0
Lots	0	4
Outlots	0	0
Variance	No	No
Variation	No	Yes 24-121(a)(3)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on February 7, 2020. The requested variation from Section 24-121(a)(3) was accepted on January 21, 2020, and also heard

at the SDRC meeting on February 7, 2020, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The subject property is presently wooded and undeveloped. The property is described by the Maryland State Department of Assessments and Taxation as Parcel 14. The property is more specifically described in a deed recorded among the Prince George's County Land Records in Liber 38661 at folio 298. No prior development applications apply to the subject site.

A PPS is now required, in order to subdivide the property into four parcels and develop more than 5,000 square feet of gross floor area on the subject site, in accordance with the Subdivision Regulations.

6. **Community Planning**—The subject site is within the area of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan), which retained the property in the I-1 Zone. Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the master plan are evaluated, as follows:

Plan 2035

This application is in an Established Communities Growth Policy area. According to Plan 2035, "Established Communities are most appropriate for context-sensitive infill and low-to-medium density development" (page 20).

Master Plan

The Subregion 5 Master Plan and SMA recommends Mixed-Use future land use on the subject property. However, the I-1 zoning retained for the property permits industrial uses.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application is not required to conform to the Subregion 5 Master Plan and SMA because Prince George's County District Council has not imposed the recommended zoning.

7. **Stormwater Management**—An approved stormwater management (SWM) concept plan and approval letter issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE) was submitted with the subject application. SWM Concept Plan 8708-2019-00 was approved on August 23, 2019, with conditions of approval requiring the payment of a fee of \$17,280.00 in lieu of providing on-site attenuation/quality control measures, and identifying the project proposal as a self-storage facility, convenience store with parking and a gas station as a "hot spot", which will require an oil/grit separator or equivalent.

Development of the site shall conform with the SWM concept approvals and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan and SMA. The subject site is in the Brandywine Town Center and the Branch Avenue Corridor, and is subject to Section 24-124.01 (Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors) of the Subdivision Regulations, as well as the “Transportation Review Guidelines, Part 2,” (Guidelines, Part 2), at the time of PPS.

Adequacy of On-Site Improvements

The subject site abuts US 301, which is classified as a limited access highway, and is a separated six-lane roadway at the subject site. Providing sidewalks along the frontage of this property is not required as part of this application. At the time of site plan, the applicant shall provide an exhibit that illustrates the required pedestrian and bicycle facilities necessary to meet pedestrian and bicycle adequacy throughout the subject site, pursuant to Section 24-124.01(b).

Adequacy of Off-Site Improvements

There is only one access point to the subject site, a driveway from US 301. In addition, there are no pedestrian facilities along US 301 to access the subject site nor were any proposed. There are two additional roadways near the subject site: Short Cut Road and Matapeake Business Drive. However, neither of these roadways connect to the subject site. At this time, there are no feasible pedestrian and bicycle facilities that could be provided by the applicant that would be within the development’s cost cap, located on publicly owned rights-of-way, and which meet the demonstrated nexus requirement, pursuant to Section 24-124.01(c).

10. **Transportation**—Transportation-related findings for adequacy are made with this application, along with any needed determinations related to dedication, access, and general subdivision layout. This application is supported by traffic counts and a Traffic Impact Analysis (TIA) dated August 2019. The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by staff, consistent with the “Transportation Review Guidelines, Part 1”, (Guidelines, Part 1).

Analysis of Traffic Impacts

The application analyzed is a PPS for two uses – consolidated storage facility and general office development. Using trip generation rates from the Trip Generation Manual, 10th edition (Institute of Transportation Engineers), the consolidated storage development will be adding 15 (9 in; 6 out) AM peak-hour trips and 26 (12 in; 14 out) PM peak-hour trips while the general office will be adding 163 (140 in; 23 out) AM peak-hour trips and 162 (26 in; 136 out) PM peak-hour trips.

The development will impact the following intersections deemed to be critical:

- US 301 & MD 381/Brandywine Road
- US 301 NB & Site (Right-in/Right-out)
- US 301 & Chadds Ford Drive/Timothy Branch Drive

- US 301 & Matapeake Business Drive/Clymer Drive
- US 301 NB & Median Break

The subject property is located within the Transportation Service Area (TSA) 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

- Links and signalized intersections:** Level-of-service D (LOS D), with signalized intersections operating at a critical lane volume of 1,450 or better;
- Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. Once the critical lane volume exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Prince George's County Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Since the trip generation for the development is projected to exceed 50 trips in either peak hour, the applicant provided a TIA dated August 2019. Using data from this TIA, the following results were determined:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 & MD 381/Brandywine Road	1176	1052	C	B
US 301 & Chadds Ford Drive/Timothy Branch Drive	1033	1485	B	E
US 1 & Matapeake Business Drive/Clymer Drive	1001	1549	B	E
US 301 NB & Median Break*	80.5*	27.7*		
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines, Part 1", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

In evaluating the effect of background traffic, six background developments were identified in the TIA. In addition, a growth factor of one percent per year for two years were applied to the through traffic along US 301/MD 5 (Branch Avenue). A background scenario analysis based on future developments yielded the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 & MD 381/Brandywine Road	2093	2627	F	F
US 301 & Chadds Ford Drive/Timothy Branch Drive	1217	1874	C	F
US 1 & Matapeake Business Drive/Clymer Drive	1236	2020	C	F
US 301 NB & Median Break*	173.9*	92.1*		
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines, Part 1", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Regarding the total traffic scenario, the subject application represents a development of four lots varying from 1.67 acres to 3.28 acres in size of commercial development. Table 1 below shows a breakdown of the trip generation. The conclusion is the development will likely generate 178 AM and 188 PM peak-hour trips.

Table 1								
Trip Generation Summary: 4-19017: Brandywine Commercial Center								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Consolidated Storage	150,150	Square feet	9	6	15	12	14	26
General Office	145,000	Square feet	140	23	163	26	136	162
Total Trips			149	29	178	38	150	188

A third analysis (total traffic) revealed the following results:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 & MD 381/Brandywine Road	2097	2547	F	F
US 301 NB at Site Access (Right-in/Right-out)	<50 sec	<50 sec	Pass	Pass
US 301 & Chadds Ford Drive/Timothy Branch Drive	1226	1890	C	F
US 1/& Matapeake Business Drive/Clymer Drive	1238	2034	C	F
US 301 NB & Median Break*				
Tier 1 – HCM Delay Test (Southbound U-turn)	1224.9	159.3	Fail	Fail
Tier 2 – Volume Test	>100 veh	<100 veh	Fail	Pass
Tier 3 – Critical Lane Volume Test	1667.	--	F	Pass
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the "Guidelines, Part 1", all three tests must fail in order to require a signal warrant study.				

The US 301 northbound at Site Access intersection is to have access via a right in and right out movement. Based on the analysis conducted in the TIA, the delays associated with this access are not expected to exceed 50 seconds and are deemed acceptable. All the intersections deemed critical to the development will operate adequately with the full buildout of the development, except for the US 301 NB & Median Break. Based on this finding, the applicant proffered payment into the Brandywine Road Club, as discussed further.

Agency review

The TIA was referred to and reviewed by representatives from the Prince George's County Department of Public Works and Transportation (DPW&T)/DPIE, as well as the Maryland State Highway Administration (SHA). A memo dated March 16, 2020, was received from SHA that concurs with the findings of the TIA. A memo dated January 29, 2020, from DPIE, states no objection to the transportation analysis.

The results of the traffic analyses show that under total traffic, three of the five (signalized) critical intersections are deemed to be operating adequately. The unsignalized of US 301 northbound and Median Break intersection fails to pass the three-tier test of adequacy, while the US 301 northbound and Site Access did not analyze conflicting movements. The TIA recommends payment of pro-rated fees into the Brandywine Road Club. Having reviewed the traffic study, the Planning Board concurs with its findings and conclusions. The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, Prince George's County Council Resolution CR-9-2017 indicates the following:

1. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
2. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
3. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

CR-9-2017 works in concert with Prince George's County Council Bill CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation as required in Section 24-124 of the Subdivision Regulations. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the applicant/owner/subdivider can be used to alleviate any inadequacy as defined by the "Guidelines, Part 1." This indicates that enough information must be provided to demonstrate that there is an inadequacy.
2. In order to use CB-22-2015, the subject property must be in an area for which a road club was established prior to November 16, 1993. In fact, the Brandywine Road Club was included in Council Resolution CR-60-1993 adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the subject application will be \$2.07 per gross-floor area for the commercial/industrial development. The fee will be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a) of the Subdivision Regulations.

Master Plan & Site access

The property is in an area where the development policies are governed by the Subregion 5 Master Plan and SMA, as well as the MPOT.

One of the recommendations from the master plan is to upgrade US 301 to a freeway (F-9) between Bowie and the Charles County line. The timing and future right-of-way required for the F-9 upgrade is unknown, but it will pass along the property's frontage. The applicant requested a right in/right out access point at the site but also identified alternate access. It is possible that when US 301 is upgraded, direct access to the subject site will not be permitted by SHA. At this point, access to the subject site will be through I-503 a planned roadway that ends in a cul-de-sac in the northeast corner of the subject site. This is currently shown as Outlot A on the submitted PPS. However, roadway dedication in this area is required to provide future access to the site once the remainder of I-503 is dedicated.

Section 24-121(a)(3) of the Prince George's County Subdivision Regulations, requires that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, the lots shall be designed to front on either interior street or service road, and not access the higher classification roadways directly. This application includes a private access easement to serve all four lots pursuant to Section 24-128(b)(9), to allow consolidated direct access onto US 301 which is classified as a freeway. In order to authorize this access, a variation must be approved by the Planning Board, pursuant to the provisions of Section 24-113 of the Subdivision Ordinance, as outlined below.

Variation Request

Section 24-113 requires that the following criteria are met for approval of a variation. The criteria are in BOLD text below while the findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

As noted herein, the property is presently undeveloped. The adequacy of transportation facilities, including the site access, was analyzed with this application. The analysis, with the conditions of this PPS, demonstrate adequate transportation will exist to serve the site. Specifically, no inadequacy is shown for the proposed site access. In addition, the site access will require the approval and permitting from the State Highway Administration. Therefore, granting this variation will not be detrimental to the public safety, health or welfare and will not be injurious to other properties.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject property only has frontage on and the ability to access US 301, currently. Future access through I-503 is planned for the site, as discussed above and expanded upon below, but cannot yet be used because the off-site road dedication has not occurred. Denying access onto US 301 would effectively prevent development of the property for the foreseeable future. These conditions are a unique situation applicable to the property.

It should be noted that the Subregion 5 Master Plan and SMA proposed an industrial road which would run from Short Cut Road roughly parallel to US 301 but not touching the subject property and intersect with A-63. This industrial road was known as I-503. At that time, the proposal was logical since the property which is now the Villages at Timothy Branch was zoned industrial. The need for I-503 as an industrial roadway was negated when the Villages of Timothy Branch property was rezoned from an industrial classification to its current R-M zoning classification. Accordingly, when the Comprehensive Design Plan (CDP-0902) for Villages of Timothy Branch was approved by the Planning Board in 2010, I-503 was modified to end in a proposed cul-de-sac at the edge of the subject property.

During the subsequent PPS (4-09003) process for Villages of Timothy Branch, Condition 29(b), which was attached to Planning Board Resolution PGCPB No. 10-117(A), reaffirmed that the alignment for roadway I-503 be shown as a much shorter road, the right-of-way for which would partially be on the Brandywine Auto Parts property and partially on the Villages of Timothy Branch property. However, it would cul-de-sac at the northeast corner of the subject property in conformance with the approved CDP.

The potential impact of I-503 as it relates to development of this property was recently considered as part of the review and approval of the SWM concept plan for the property. Initially, DPIE staff raised a question concerning whether or not I-503 would impact the eastern boundary of the property and whether or not improvements for that roadway would be required. This analysis resulted in a series of emails between DPIE and the Maryland-National Capital Park and Planning Commission Transportation Division. A final email dated September 16, 2019 from Bryan Barnett-Woods to Nanji Formukong concluded that I-503 is no longer proposed to run adjacent to the subject property. The email notes that the right-of-way was replaced in a subsequent CDP to end in a cul-de-sac. A small portion of the proposed cul-de-sac would affect the subject property. As a result, the SWM concept plan was approved with no requirement to show impacts from I-503 since that road was substantially shortened. Consequently, current review of the impact of I-503 on the subject property further confirms that the property is at this time totally dependent upon access to US 301 in order to be developed.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

Requesting an access point onto US 301 only conflicts with the requirement set forth in Section 24-121(a)(3), which is under the sole authority of the Planning Board. The access point which can be designed to comply with all other applicable laws, ordinances and regulations and will require the approval of the

road operating agency at the time of permitting. Therefore, granting the variation will not result in a violation of any other law, ordinance or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The property has no frontage on a public road other than US 301. Therefore, failing to grant this variation would result in creating a situation where the property could not be developed. This would result in a peculiar and particular hardship to both the owner and the contract purchaser. The property's value and utility would be substantially diminished without the granting of the variation.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This subpart is not applicable because the site is zoned I-1.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations for facilitating adequate and efficient transportation facilities.

Based on the findings presented in this section, adequate transportation facilities will exist to serve the subdivision as required under Section 24-124.

11. **Schools**—Pursuant to Section 24-122.02, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.
12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated April 10, 2020 (Thompson to Sievers), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is 295,150 square feet of commercial development in the I-1 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval and reflected on the PPS, that revision of the mix of uses or any residential development shall require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on a public right-of-way, US 301, to the west. The required PUE along the public street is delineated on the PPS.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George’s County historic sites or resources. A Phase 1 archeology survey is not recommended.
16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-193-2018	N/A	Staff	Approved	02/07/2019	N/A
4-19032	TCP1-004-2020	Planning Board	Pending	Pending	Pending

An approved and signed Natural Resources Inventory, NRI-193-2018, for this project area was issued on February 7, 2019. No other previous environmental reviews have occurred on this site.

Grandfathering

The site is subject to the environmental regulations contained in Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012, and specifically to the Prince George’s County 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual because the application is for a new PPS.

Site Description

This 3.28-acre site is located on the east side of US 301 (Robert Crain Highway), slightly south of the intersection of US 301 and MD 5 in Brandywine, Maryland. The site is currently vacant. The site is within the Potomac River basin, and the Mattawoman Creek watershed, which is a Stronghold Watershed, and a Tier II Catchment (Mattawoman Creek I). No streams, wetlands or floodplain are mapped on this property. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program

(DNR NHP) shows no rare, threatened, or endangered species found to occur on, or near this property. Potential forest interior dwelling species (FIDS) habitats or FIDS buffers are mapped on-site, but they are moot because of development already approved on adjacent sites. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (March 2017), shows that evaluation areas of the network are present on the property. The site is not located in a municipality.

CONFORMANCE WITH GENERAL PLAN, MASTER PLAN AND FUNCTIONAL PLANS

Plan Prince George's 2035 Approved General Plan (2014):

The site is located within the Established Communities area of the Growth Policy Map; Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map; a designated General Plan Center (Plan 2035), Brandywine Town Center; and for Generalized Future Land Use (Plan 2035) as Mixed-Use, as designated by Plan 2035.

Countywide Green Infrastructure Plan (March 2017)

The 2017 Countywide Green Infrastructure Plan was approved with the adoption of the Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (CR-11-2017) on March 7, 2017. According to the approved Countywide Green Infrastructure Plan, evaluation areas are found on the entire property, which is currently wooded. While there are Green Infrastructure elements mapped on the subject (woodland) which will be impacted, the design of the site meets the zoning requirements and the intent of the growth pattern established in the Plan 2035.

Area Master Plan Conformance

The Subregion 5 Master Plan and SMA contains policies and strategies in the Environment chapter of the plan; however, no regulated environmental features are located on this site. The master plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and SWM are addressed in the Environmental Review section below.

Environmental Review

Natural Resource Inventory Plan/Existing Features

A copy of NRI-193-2018, approved on February 7, 2019, was submitted with the application. No regulated environmental features or specimen trees were identified on this property. The PPS and Type 1 Tree Conservation Plan (TCP1) show the required information correctly in conformance with the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-004-2020) was submitted with the current application.

The net tract area for calculating the woodland conservation requirement on this site is 9.82-acres. The site is zoned I-1 and has a woodland conservation threshold of 15 percent of the net tract area. According to the worksheet provided on the TCP1, the woodland conservation requirement based on the total clearing of 9.51-acres of woodlands is 4.95-acres. The TCP1 meets this requirement with 4.95-acres of off-site woodland conservation credits.

Required technical revisions to the TCP1 are provided as conditions to be addressed prior to signature approval of the PPS. Standard conditions for required notes to be placed on the final plat are also required.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." No specimen trees, champion trees or trees associated with historic sites were identified on this property.

Preservation of Regulated Environmental Features

The site does not contain regulated environmental features. No review of impacts to regulated environmental features is necessary and no conservation easements are required for this site.

Soils

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are the Beltsville- silt-loam complex (0-2 percent slopes) and Beltsville Urban Land complex (0-5 percent slopes) both of which are moderately well drained. No Marlboro or Christiana clays are mapped on this site.

17. **Urban Design**—The development, consisting of 295,150 square feet of industrial and commercial development, will be subject to a detailed site plan (DSP). Specifically, a DSP is required per Section 27-475.04, for proposals to develop consolidated storage facilities in the I-1 Zone.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

The development proposal of this site in the I-1 Zone will be subject to the following sections of the Zoning Ordinance:

- a. Section 27-469 I-1 Zone
- b. Section 27-473: Permitted Uses in the I-1 Zone

- c. Section 27-274: Regulations
- d. Section 27-475.04: Consolidated Storage,
- e. Part 11 and Part 12 of the Zoning Ordinance regarding parking and signage, respectively.

Conformance with the 2010 Prince George's County Landscape Manual

The development is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the following requirements of the Landscape Manual: Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements will be reviewed at the time of DSP.

A Section 4.7 bufferyard will be required along the site's eastern and southern boundary lines. The private access easement along the eastern boundary line, for future access to the industrial roadway to the north, shall be relocated outside of the required bufferyard.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site, being zoned I-1, is required to provide a minimum of 10 percent of the gross tract area with tree canopy. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

Other Issues

The PPS application materials provide for an inconsistent proposal for the development as follows:

- a. SWM Concept Approval 8708-2019 shows a 125,000 square foot self-storage facility and gas station with convenience store on Lots 1 and 4 respectively.
- b. The Traffic Impact Analysis states that a 125,400 square foot consolidated storage facility and 150,000 feet of general office are proposed.
- c. The application form and PPS show a development of 150,150 square feet of self-storage facility.

In a letter dated April 3, 2020 (Gibbs to Conner), the applicant provided clarification noting that the PPS will consist of four lots for a total of 295,150 square feet of industrial and commercial development. The PPS shall be revised to note the confirmed development proposal.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 23, 2020 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of April 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/
M-NCPPC Legal Department

Date: April 24, 2020